

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION

MARTIN WHEELER, :  
: Petitioner, : Case No. 1:13-CV-197 (WLS)  
: v. :  
: Warden BRAD HOOKS, :  
: Respondent. :  
: \_\_\_\_\_

**ORDER**

Before the Court is a Recommendation (Doc. 14) from United States Magistrate Judge Thomas Q. Langstaff, filed May 28, 2014. It is recommended that the Court grant Respondent's Motion to Dismiss (Doc. 12) and dismiss Petitioner's mixed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) without prejudice to Petitioner's right to refile once he has exhausted his state-court remedies. Judge Langstaff also recommended that the Court deny Petitioner a certificate of appealability. No objections were filed within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1). The objection period expired on June 11, 2014. (See Doc. 14 at 6; Docket).

Upon full review and consideration upon the record, the Court finds that said Recommendation (Doc. 14) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, the instant Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED WITHOUT PREJUDICE**. The Court further **DENIES** Petitioner a certificate of appealability, as Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

**SO ORDERED**, this 17<sup>th</sup> day of June 2014.

/s/ W. Louis Sands  
**W. LOUIS SANDS, JUDGE**  
**UNITED STATES DISTRICT COURT**